

Atty Dkt No. APF 41.20
PATENT

Date of Deposit: 7/3/02

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Jennifer Lohse

Typed or Printed Name of Person Depositing Paper

Jennifer Lohse

Signature of Person Depositing Paper

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

HAYNES et al.

Serial No.: 09/993,307

Art Unit: Unassigned

Filing Date: 26 November 2001

Examiner: Unassigned

Title: NUCLEIC ACID ADJUVANTS

RESPONSE TO NOTICE TO FILE MISSING PARTS
AND PRELIMINARY AMENDMENT

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is filed in response to a Notice to File Missing Parts of Nonprovisional Application, that notice having been mailed 5 December 2001 and having a two-month period for response. Accordingly, a five-month extension of time to respond is requested, and the petition and fee therefor accompany this paper. Entry of this response and preliminary amendment, including the attached documents, is respectfully requested.

Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

ACCOMPANYING DOCUMENTS/MATERIALS

Accompanying this response and preliminary amendment are the following documents and/or materials: (1) a Petition for Extension of Time and the fee therefor; (2) a Fee Transmittal; (3) a fully executed Combined Declaration and Power of Attorney; (4) substitute formal drawings (Figures 1-14) submitted in compliance with 37 C.F.R. §1.84; (5) a diskette containing a computer readable form (CRF) of the Sequence Listing; and (6) Part 2 of the Notice to File Missing Parts of Nonprovisional Application.

AMENDMENT

In the Specification:

Under the section heading entitled "Sequence Listing" please delete the entire section and replace the same with the clean replacement section entitled "Sequence Listing," consisting of 26 pages numbered "i" through "xxv,i" which replacement section is attached to this Response/Preliminary Amendment.

Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The following changes have been made to the Sequence Listing as originally filed:

SEQUENCE LISTING

<110> HAYNES, Joel R.

ARRINGTON, Joshua

<120> NUCLEIC ACID ADJUVANTS

<130> APF41.20

<140> 09/993,307

<141> 2001-11-26

<150> 60/253,381

<151> 2000-11-27

<160> [22] 26

<170> PatentIn [Ver. 2.1] version 3.1

Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
USSN: 09/93,307
PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20

USSN: 09/93,307

PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
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Atty Dkt No. APF 41.20
USSN: 09/993,307
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Atty Dkt No. APF 41.20
 USSN: 09/993,307
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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/93,307
 PATENT

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USSN: 09/993,307
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Atty Dkt No. APF 41.20
 USSN: 09/993,307
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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

4

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20
 USSN: 09/993,307
 PATENT

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Atty Dkt No. APF 41.20

USSN: 09/993,307

PATENT

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USSN: 09/993,307
PATENT

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Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

REMARKS

The Statutory Basic Filing Fee and Additional Claim Fees:

In the Notice to File Missing Parts, the Office objected that the statutory basis filing fee and additional claim fees (for total claims over 20 and independent claims over 3) were missing. In response, applicants have submitted herewith a Fee Transmittal including all of the necessary fees.

The Oath or Declaration:

In the Notice to File Missing Parts, the Office objected that the oath or declaration was unsigned. In response, applicants have submitted herewith a fully executed Combined Declaration and Power of Attorney.

The Objection to the Drawings:

In the Notice to File Missing Parts, the Office objected that the application was deemed informal on the basis that the drawing sheets did not have proper margins. Substitute drawings in compliance with 37 C.F.R. §1.84 were required.

In response, applicants have submitted herewith substitute (formal) drawings of Figures 1-14 in compliance with 37 C.F.R. §1.84. The substitute drawings (formal Figures 1-14) are identical to the drawings as originally filed, with the exception that the informalities noted in the Notice to File Missing Parts (the incorrect margin sizes) have been corrected. Accordingly, the undersigned hereby submits that no new matter is entered by way of the substitute drawings tendered herewith, and the entry thereof is respectfully requested.

Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

The Sequence Listing:

In the Notice to File Missing Parts, the Office objected that applicants have not complied with the appropriate rules under 37 C.F.R. §§1.821 - 1.825. In particular, the Office objected that: **(a)** the application did not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter; and **(b)** the copy of the “Sequence Listing” in computer readable form was missing. Applicants were asked to comply with these requirements.

In response, applicants have submitted herewith a Preliminary Amendment, wherein minor amendments to the printed “Sequence Listing” as originally filed have been provided in both “clean version” and in “marked-up version” in conformance with 37 C.F.R. §1.121(b)(1) parts (ii) and (iii). The printed (paper copy) of the “Sequence Listing” is being submitted to comply with the requirements of 37 C.F.R. §1.821(c). The “marked-up version” of the instant amendment shows the changes made to the original “Sequence Listing” by the current amendment. The pages containing the marked-up version of the Sequence Listing are captioned “VERSION WITH MARKINGS TO SHOW CHANGES MADE”. Applicants have also submitted herewith a copy of the “Sequence Listing” in computer readable form as required by 37 C.F.R. §1.821(e).

The undersigned hereby states that the content of the attached paper copy of the “Sequence Listing” and the computer readable copy of the “Sequence Listing,” submitted in accordance with 37 C.F.R. §1.821(c) and 1.821(e), respectively, are the same. The undersigned further states that no new matter has been added by way of the attached “Sequence Listing” and the amendments to the specification.

Entry of the amendments to the printed “Sequence Listing,” and the corresponding computer readable form, is thus respectfully requested.

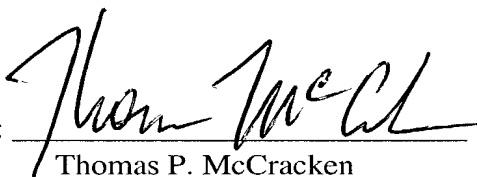
Atty Dkt No. APF 41.20
USSN: 09/993,307
PATENT

CONCLUSION

Applicants respectfully submit that the application is complete and in good order for examination and further that the claims define an invention which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order and an early notification to that effect is earnestly solicited.

Respectfully submitted,

Date: 1 July 2002

By: 
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Registration No. 38,548

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